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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,599	10/17/2003	Toshiaki Nishiguchi	1163-0473P	9345

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EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,599

Applicant(s)

NISHIGUCHI, TOSHIAKI

Examiner

Gautam R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-3 are pending for the examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The disclosure is objected for following reasons.
The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. It is recommended that the title should reflect the gist of or the improvement of the present invention.
Correction is required.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Okada et al., US. patent 6,400,663 (hereafter Okada).

As to claim 1, Okada discloses the invention as claimed, an optical disk device [see Figs. 1, 17-18] including rotating means, motor control means, focusing means and memory means, comprising:

rotating means [fig. 18, unit 102] for rotating an optical disk;

motor control means [fig. 18, unit 125q & 130] for controlling a number of revolutions of the rotating means;

focusing means [fig. 18, units 126 & 127] having a lens [fig. 18, unit 107] to read a signal which is recorded in a recording layer of the optical disk [fig. 18, unit 101] ;

servo control means [fig. 18, unit 125] that performs a focus pull-in operation based on a focus error signal and a tracking error signal which are obtained from the focusing means thereby to control a position of the lens;

memory means [fig. 18, unit 125, DSP inherently has memory] having a data table in which initial values and correction values of a plurality of adjustment items including a rotational speed of the optical disk, a moving speed of the lens and the amount of movement of the lens are described; and logic operation means that issues a correction command of the plurality of adjustment items to the servo control means and determines under respective adjustment conditions whether or not the focus pull-in operation is successfully performed and that in a case when it determines that the focus pull-in operation is not successfully performed, newly sets the respective correction values which are stored in the data table in the memory means to the servo control means and repeats the focus pull-in operation until it determines that the focus pull-in operation is successfully performed [Figs. 17-17 & col. 11, line 25 to col. 12, line 29; col. 15, lines 5-65].

5. The aforementioned claim 2, recites the following elements, inter alia, disclosed in Okada:

the memory means keeps the correction values which are set to the servo control means by the logic operation means, as the initial values which are newly set to the servo control means, in a case when the logic operation means determines that the focus pull-in operation is successfully performed, and hold the newly set initial values in the data table until the optical disk is removed [Figs. 17-17 & col. 11, line 25 to col. 12, line 29; col. 15, lines 5-65].

Allowable Subject Matter

6. Claim 3 is objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

NOTE: Claim 3 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose an optical disc device with memory

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to store corrective values with a data table which includes “storage of information with respect to amount of movement of the lens corresponding to ambient temperature obtained from temperature detection means as an initial value which is set to the servo control means”. It is noted that the closest prior art, Okada et al. (US 6,400,663) shows a similar apparatus which all the elements including memory for storage of the parameters. And Lee et al. US patent 5,307,336 does teach refocusing based on the temperature changes. However Okada and Lee fails to teach or disclose storage of information [parameters] with respect to amount of movement of the lens corresponding to ambient temperature obtained from temperature detection means as an initial value which is set to the servo control means

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Tateishi et al. (US. Patent 6970405).
- b) Mizumoto et al. (US. patent 5351226).
- c) Lee et al. (US. patent 5307336)
- d) Takeda (US. patent 5754275).

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



Gautam R. Patel
Primary Examiner
Group Art Unit 2627

June 19, 2006